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SENATE

{ REPORT
110-175

NATIONAL HERITAGE AREAS AND NATIONAL HERITAGE CORRIDORS TECHNICAL CORRECTIONS ACT OF 2007

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 817]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 817) to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007”.

SEC. 2. BOUNDARIES OF THE RIVERS OF STEEL NATIONAL HERITAGE AREA.

Section 403(b) of the Steel Industry American Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended by inserting “Butler,” before “Fayette”.

SEC. 3. OHIO & ERIE NATIONAL HERITAGE CANALWAY TECHNICAL CORRECTIONS.

The Ohio & Erie Canal National Heritage Corridor Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended—

(1) by striking “Canal National Heritage Corridor” each place it appears and inserting “National Heritage Canalway”;

(2) by striking “the corridor” each place it appears and inserting “the Canalway”;

(3) in section 803—

(A) in paragraph (1), by striking “The term ‘corridor’” and inserting “The term ‘Canalway’”;

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

- (D) in paragraph (2) (as redesignated by subparagraph (C)), by striking “808” and inserting “806”; and
- (E) in paragraph (6) (as redesignated by subparagraph (C)), by striking “807(a)” and inserting “805(a)”;
- (4) in section 804—
 - (A) in the second sentence of subsection (b)(1), by striking “808” and inserting “806”; and
 - (B) in subsection (c), by striking “The corridor” and inserting “The Canalway”;
- (5) by striking sections 805 and 806;
- (6) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;
- (7) in section 805(c)(2) (as redesignated by paragraph (6)), by striking “808” and inserting “806”;
- (8) in section 806 (as redesignated by paragraph (6))—
 - (A) in subsection (a)(1)—
 - (i) in the heading, by striking “COMMITTEE” and inserting “SECRETARY”; and
 - (ii) by striking “Committee” and inserting “Secretary”;
 - (B) in subsection (a)(3)—
 - (i) in subparagraph (A), by striking “from the Committee.” and inserting a comma; and
 - (ii) in the first sentence of subparagraph (B), by striking “Committee” and inserting “management entity”;
 - (C) in subsection (e), by striking “807(d)(1)” and inserting “805(d)(1)”;
 - (D) in subsection (f), by striking “807(d)(1)” and inserting “805(d)(1)”;
- (9) in section 807(c) (as redesignated by paragraph (6)), by striking “Cuyahoga Valley National Recreation Area” and inserting “Cuyahoga Valley National Park”;
- (10) in section 808 (as redesignated by paragraph (6))—
 - (A) in subsection (b), by striking “Committee or”; and
 - (B) in subsection (c), in the matter before paragraph (1), by striking “Committee” and inserting “management entity”; and
- (11) in section 809 (as redesignated by paragraph (6)), by inserting “financial” before “assistance”.

SEC. 4. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR LOCAL COORDINATING ENTITY.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

- (1) in section 9—
 - (A) by striking “The Commission” and inserting the following:

“(a) IN GENERAL.—The Commission”; and
 - (B) by adding at the end the following:

“(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007, the Corporation shall be the local coordinating entity for the Corridor.
 - (c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.
 - (d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—
 - “(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;
 - “(2) to hire, train, and compensate staff; and
 - “(3) to enter into contracts for goods and services.
 - (e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.”;
- (2) in section 10—
 - (A) in the first sentence of subsection (c), by striking “shall assist the Commission” and inserting “shall, on the request of the Corporation, assist”;
 - (B) in subsection (d)—
 - (i) by striking “Commission” each place it appears and inserting “Corporation”;
 - (ii) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and
 - (iii) by adding at the end the following:

“(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

“(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

“(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

“(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.”; and

(C) by adding at the end the following:

“(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

“(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

“(2) coordination regarding the implementation of the Plan.”;

(3) in section 11, in the matter preceding paragraph (1), by striking “directly affecting”;

(4) in section 12—

(A) in subsection (a), by striking “Commission” each place it appears and inserting “Corporation”;

(B) in subsection (c)(1), by striking “2007” and inserting “2012”; and

(C) by adding at the end the following:

“(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.”; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) the term ‘Corporation’ means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986.”.

SEC. 5. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATIONAL HERITAGE AREAS AND NATIONAL HERITAGE CORRIDORS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4243) is amended in sections 409(a), 508(a), 608(a), and 810(a) (as redesignated by section (3)(a)(5)), by striking “\$10,000,000” each place it appears and inserting “\$15,000,000”.

(b) EVALUATIONS.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for each of the Ohio & Erie Canal National Heritage Corridor, the Rivers Of Steel National Heritage Area, the Essex National Heritage Area, and the South Carolina National Heritage Corridor, the Secretary of the Interior shall conduct an evaluation of, and prepare a report on, the accomplishments of the applicable national heritage area.

(2) COMPONENTS.—An evaluation prepared under paragraph (1) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the national heritage area; and

(ii) achieving the goals and objectives of the approved management plan or heritage plan for the national heritage area;

(B) analyze the Federal, State, local, and private investments in the national heritage area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the national heritage area for purposes of identifying the critical components for the sustainability of the national heritage area.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1), the Secretary shall include in the report recommendations for what role, if any, the National Park Service should have with respect to the national heritage area.

(B) REQUIRED ANALYSIS.—If the Secretary recommends in the report that Federal funding for national heritage area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the national heritage area may be reduced or eliminated; and

- (ii) the appropriate time period necessary to achieve the recommended reduction or elimination.
- (4) SUBMISSION TO CONGRESS.—On completion of a report under this subsection, the Secretary of the Interior shall submit the report to—
 - (A) the Committee on Energy and Natural Resources of the Senate; and
 - (B) the Committee on Natural Resources of the House of Representatives.

SEC. 6. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

(a) IN GENERAL.—The National Coal Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333) is amended—

- (1) in section 103(b)—
 - (A) by striking “shall be shall be comprised” and inserting “shall be comprised”; and
 - (B) by striking “counties; and” and inserting “counties”;
- (2) in section 105—
 - (A) in the first sentence—
 - (i) by striking “The resources” and inserting the following:

“(a) IN GENERAL.—The resources”;

 - (ii) by striking “paragraph (2) of”; and
 - (iii) by striking “include those set forth in” and inserting “include—

“(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawha County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

“(2) resources described in”; and
 - (B) in the second sentence, by striking “Priority consideration” and inserting the following:

“(b) PRIORITY.—Priority consideration”; and
- (3) in section 106—
 - (A) in subsection (a)—
 - (i) in the matter preceding paragraph (1), by striking “Governor” and all that follows through “Parks,” and inserting “National Coal Heritage Area Authority”; and
 - (ii) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities, or” and inserting “National Coal Heritage Area Authority or the”; and
 - (B) in subsection (b), by inserting “not” before “meet”.

(b) CONTINUATION OF AGREEMENT.—The contractual agreement entered into under section 104 of the National Coal Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104–333), as in effect on the day before the date of enactment of this Act, shall continue to be in effect, except that the contractual agreement shall be between the Secretary of the Interior and the National Coal Heritage Area Authority rather than the Secretary of the Interior and the Governor of West Virginia.

PURPOSE

The purpose of S. 817 is to increase the appropriation ceiling for four national heritage areas: the Ohio & Erie Canal National Heritage Corridor; the Rivers of Steel National Heritage Area; the Essex National Heritage Area; and the South Carolina National Heritage Corridor; and to extend the authorization of the Delaware and Lehigh National Heritage Corridor, and to designate a new management entity for the corridor.

BACKGROUND AND NEED

The Omnibus Parks and Public Lands Act of 1996 (Public Law 104–333) created nine new heritage areas, authorized \$10 million in appropriations for each area, and set a sunset date of September 30, 2012 for their eligibility for Federal grants and assistance. Four of these heritage areas are the subject of this bill and are described below.

RIVERS OF STEEL NATIONAL HERITAGE AREA

The Rivers of Steel National Heritage Area (originally designated as the Steel Industry American Heritage Area), includes seven

counties in southwestern Pennsylvania, an area shaped by the global importance of the U.S. steel industry. Within the 5,065-square-mile heritage area, one can find old mills and communities founded by mill workers, many of which are linked by hiking trails or riverboat tours. The management entity is the Steel Industry Heritage Corporation, a non-profit organization.

ESSEX NATIONAL HERITAGE AREA

The historic seaports, New England town commons, and industrial mills of Essex County, Massachusetts, showcase colonial settlement, the development of the shoe and textile industries, and the growth and decline of several northeastern maritime industries. The 501-square-mile Essex National Heritage Area is managed by the non-profit Essex National Heritage Commission.

SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

The South Carolina National Heritage Corridor begins in the Up Country, or mountainous southwestern corner of the State, follows the State line through historic courthouse towns and military sites on the piedmont, and eventually tracks the Edisto River and the South Carolina Railroad to the Low Country, a coastal plain rich with old plantations and African American culture. The South Carolina National Heritage Corridor covers 9,336 square miles in 14 counties and is managed by the Heritage Tourism Development Office of the South Carolina Department of Park Recreation and Tourism.

OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR

The Ohio and Erie Canal, completed in 1832, linked the Great Lakes with the Mississippi River and the west through the Ohio River. The canal originally ran from Portsmouth on the Ohio River to Cleveland and Lake Erie. The Ohio and Erie Canal Association, in partnership with the Ohio Canal Commission and the Ohio and Erie Canal Corridor Coalition, manage the Ohio and Erie Canal National Heritage Corridor. The heritage area covers 2,015 square miles along the canal route from Cleveland south to Zoar, Ohio.

All four areas are now nearing their existing appropriation ceiling. S. 817 increases the ceiling for each area from \$10 million to \$15 million, while adding a new requirement that each area be evaluated prior to the sunset date for federal funding in 2012 to assess its progress in meeting the goals of the authorizing legislation and the area's management plan.

S. 817 also extends the authorization for the Delaware & Lehigh National Heritage Corridor in Pennsylvania and designates the participating non-profit organization as the new management entity, similar to changes made for the Illinois & Michigan Canal National Heritage Corridor in the 109th Congress.

LEGISLATIVE HISTORY

S. 817 was introduced by Senators Voinovich, Brown, Kennedy, Kerry, Specter, Casey, and Graham on March 8, 2007. The Subcommittee on National Parks held a hearing on S. 817 on March 20, 2007 (S. Hrg. 110-73).

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 817 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 817, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 817, the Committee adopted an amendment in the nature of a substitute. The amendment makes technical and conforming amendments and adds a new section making technical corrections to the authorizing legislation for the National Coal Heritage Area. The amendment is explained in detail in the section below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007.”

Section 2 amends the authorizing legislation for the Rivers of Steel National Heritage Area in Pennsylvania to include Butler County within the heritage area.

Section 3 amends the authorizing legislation for the Ohio and Erie Canal National Heritage Corridor in Ohio to make several technical and conforming corrections and to redesignate the corridor as the Ohio and Erie National Heritage Canalway.

Section 4 amends the authorizing legislation for the Delaware and Lehigh National Heritage Corridor to extend the authorization to receive Federal funding from 2007 until 2012, and to designate the Delaware & Lehigh National Heritage Corridor, Inc. as the local coordinating entity for the Corridor.

Section 5(a) amends the authorizing legislation for the Ohio and Erie Canal National Heritage Corridor (redesignated as the Ohio and Erie National Heritage Canalway in section 3), the Rivers of Steel National Heritage Area, the Essex National Heritage Area in Massachusetts, and the South Carolina National Heritage Corridor to increase the cumulative appropriation ceiling for each area from \$10 million to \$15 million.

Subsection (b)(1) amends the authorizing legislation for each of the heritage areas listed in subsection (a) to require the Secretary of the Interior to conduct an evaluation of the accomplishments of each national heritage area not later than three years before the date Federal funding authority terminates.

Paragraph (2) provides that the evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments.

Paragraph (3) requires the Secretary to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 6 makes several technical corrections to the authorizing legislation for the National Coal Heritage Area in West Virginia.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

AUGUST 16, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 817, the National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 817—National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007

Summary: S. 817 would amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations of \$5 million for each of four national heritage areas (NHAs) and similar affiliated areas of the National Park System. NHAs and affiliated areas are nonfederal lands and communities managed privately in consultation with the National Park Service (NPS). The legislation also would require the NPS to conduct an evaluation of each of the four areas.

Assuming appropriation of the \$20 million specifically authorized by the bill and an additional \$1 million for NPS evaluations, CBO estimates that implementing S. 817 would cost \$5 million in 2008 and \$21 million over the 2008–2012 period. Enacting this legislation would not affect direct spending or revenues.

S. 817 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 817 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	5	4	4	4	4
Estimated Outlays	5	4	4	4	4

Basis of estimate: S. 817 would increase, by \$5 million each (or up to \$1 million annually), the total amounts authorized to be appropriated to the NPS for four areas administered by that agency: The Ohio & Erie Canal National Heritage Corridor, the Rivers of Steel National Heritage Area, the Essex National Heritage Area, and the South Carolina National Heritage Corridor. The funds would be used to assist NHA management entities, which are usually local nonprofit organizations. The legislation also would direct the NPS to evaluate the effectiveness of the management entity at each of the areas and recommend future funding levels.

Based on information provided by the agency and assuming appropriation of the amounts authorized or estimated to be necessary, CBO estimates that implementing the legislation would cost \$21 million over the 2008–2012 period, including \$1 million in 2008 for evaluations required by the bill.

Intergovernmental and private-sector impact: S. 817 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Leo Lex; Impact of the Private Sector: Craig Cammarata and Patrice Gordon.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 817. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 817, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the March 20, 2007 Subcommittee hearing on S. 817 and a subsequent letter from the Acting Assistant Secretary for Fish and Wildlife and Parks setting forth Department of the Interior views on S. 817 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Depart-

ment of the Interior on S. 817, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other purposes.

S. 817 has four main provisions. First, the bill expands the Rivers of Steel National Heritage Area by an additional county. Second, the bill makes several technical corrections to the Ohio & Erie Canal National Heritage Corridor including a name change for the area and the deauthorization of the Ohio & Erie Canal National Heritage Corridor Committee, whose duties have already been assumed by a non-profit management entity. Third, the bill names a new local coordinating entity for the Delaware and Lehigh National Heritage Corridor, it reauthorizes federal funding for the area for an additional five years, and gives the Secretary of the Interior several new authorities. Fourth, the bill increases the authorization ceiling for four existing national heritage areas by \$5 million each and requires the Secretary to conduct an evaluation of each area three years before the cessation of federal funding.

The Department has no objection to the first three main provisions of S. 817, with several recommended amendments described in this testimony. The Department is still considering its position with regard to the provisions in the bill that increase the authorization ceiling for four existing heritage areas and extend Federal funding for Delaware and Lehigh National Heritage Corridor. The Department will provide the Committee with its views on this issue by letter before the Committee's markup of this bill.

Less than a year ago, there were 27 heritage areas. Today, there are 37. Our understanding is that national heritage areas are locally driven grassroots efforts to preserve resources that were intended to operate independent of Federal funding at the end of the authorization period. While the National Park Service would continue to support the heritage areas through technical assistance, the heritage areas were to be largely self-sufficient. This was the understanding, particularly for those heritage areas created in 1996 and the more recently designated heritage areas. We are disappointed that heritage areas that are nearing the end of their authorization period or that are approaching their authorization ceiling did not better plan for this eventuality. We appreciate that the sponsors of the bill recognize this concern by requiring the preparation of a report to examine what role federal funding should play in the future of these heritage areas.

Currently, there are 37 National Heritage Areas designated across 27 states with over 61 million people residing within one of these heritage areas. Responding to continued community and congressional interest in studying and designating new national heritage areas, the National Park System Advisory Board reviewed the program and prepared a report on the appropriate role of the National Park Service in supporting these areas. The Advisory

Board's 2006 report, *Charting a Future for National Heritage Areas*, recognized the important role of national heritage areas in expanding conservation stewardship and in identifying and preserving significant historic resources. The report also recognized that national heritage areas need a legislative foundation that establishes a clear process for designation, administration, and evaluation.

Among the Advisory Board's specific recommendations for program legislation was a provision to address the future of national heritage areas after an area reaches the end of its authorized funding level or time limits for funding. Before the publication of the Advisory Board report, most of the discussions on program legislation focused on the need to establish criteria for designating new areas and managing existing areas. The Advisory Board recognized that the National Park Service needed to take a more proactive approach by assisting national heritage areas in envisioning and planning for a sustainable future. For this reason, the report included a recommendation that the legislative foundation for the program require that "three years prior to cessation of federal funding authority, a study be conducted to recommend the appropriate level of future National Park Service involvement in the National Heritage Area including but not limited to future federal funding".

In July 2006, the Administration transmitted to Congress a legislative proposal for national heritage area program legislation that included many of the recommendations of the Advisory Board's report. This proposal, which was introduced in the 109th Congress as H.R. 6287, incorporated the requirement for a study three years before cessation of funding in a slightly different format stating that the areas should "conduct an evaluation and prepare a report on the accomplishments, sustainability, and recommendations for the future * * *". The National Heritage Area Partnership Act (S. 243) introduced by Senator Craig Thomas during the 109th Congress and passed by the Senate, and a similar version of the bill (S. 278) recently introduced during the 110th Congress, also contain similar language. The Administration is currently working on a similar proposal for heritage area program legislation to be transmitted to Congress.

S. 817 provides additional funding authorization for the Essex National Heritage Area, the Ohio & Erie Canal National Heritage Corridor, the Rivers of Steel National Heritage Corridor, and the South Carolina National Heritage Corridor, four areas that have almost reached their authorized \$10,000,000 funding limit. Although the bill would not provide the areas with an extension of time beyond their sunset date of 2012 for financial assistance, it would authorize an additional \$5 million per area. This extension of federal funding would allow for the continued operation and management of these national heritage areas, while providing the Secretary the necessary time to

undertake an evaluation to assess the progress of the area in achieving its legislative purpose.

These four national heritage areas have a commendable track record of partnership and project accomplishments and have shown signs of becoming self-sufficient. The Essex National Heritage Area commemorates 400 years of seafaring history and tradition and has enabled the Salem Maritime National Historic Site, a National Park Service unit that is only 9 acres in size, to play a far more prominent role in the region by harnessing the energy of volunteers in interpretation and fundraising.

The Ohio & Erie Canal National Heritage Corridor preserves 110 miles of towpath canal, historic communities, and what has been described as a “biological mosaic of forest, marshes, streams, and lakes.” Cuyahoga National Park, which encompasses 22 miles of the corridor, has taken advantage of the heritage area as a framework for large-scale regional collaboration to build partnerships and conserve a range of resources.

The Rivers of Steel National Heritage Area celebrates the region’s industrial legacy through its rich folklife traditions, opening doors to the past with driving tours, audio CDs, a local radio series, exhibits, and publications. This area celebrates a portrait of people working in one of the most important industries at the turn of the century, which helped form the economy of this country and continues to preserve this regional culture for the next generation.

The South Carolina National Heritage Corridor helps rural communities thrive by promoting their place-based resources. For example, a new Heritage Corridor Farmers Association supports the agricultural heritage of the area by sponsoring regular promotions, tours and preservation initiatives.

The proposed evaluation process would document these and other accomplishments and would give the areas the opportunity to develop a long-term plan for reducing or eliminating the future financial role of the National Park Service.

S. 817 has several other provisions. It would provide for a new local management entity for the Delaware and Lehigh National Heritage Corridor, replacing the existing Federal commission that has served as the local coordinating entity with a nonprofit corporation, the Delaware & Lehigh National Heritage Corridor, Incorporated. It also authorizes the new corporation to receive an additional five years of financial assistance. This recommendation comes in part from a 2006 National Park Service technical assistance study entitled *Connecting Stories, Landscapes and People: Exploring the Delaware & Lehigh National Heritage Corridor Partnership*, which analyzed the strengths and challenges of the heritage area including critical ingredients for sustained success in the corridor. It identified options for the future including alternatives for a new management entity, the involvement of state, coun-

ty and municipal governments, and the involvement of the National Park Service.

The Delaware and Lehigh National Heritage Corridor has a strong record of accomplishments including the development of the 165-mile D&L Trail that forms the spine of the corridor, the innovative Corridor Market Towns program, the Two Rivers Landing project, which is a model of sustainable economic development, and the award-winning Lehigh Gap Wildlife Refuge reclamation project. We believe that the legislative language for the Delaware and Lehigh National Heritage Corridor should be amended to parallel that of the other four areas reauthorized in S. 817. We also believe that the area should build on the existing study to develop recommendations on the role the National Park Service should play in the future including the reduction and elimination of federal funding.

The Department has no objection to the other provisions in the bill relating to a name change for the Ohio and Erie National Heritage Corridor and the deauthorization of the Ohio & Erie Canal National Heritage Corridor Committee, the addition of a county to the Rivers of Steel National Heritage Area, and other technical corrections to existing national heritage areas laws.

The Department would welcome the opportunity to work with the committee to make some technical corrections to section 4 of the bill relating to the Delaware and Lehigh National Heritage Corridor. In addition, the Department would like to work with the committee on amending this bill to include a new section to make some conforming amendments to the National Coal Heritage Area that were inadvertently left out last Congress when S. 203 was enacted.

In conclusion, the Department notes the critical need for program legislation to establish a framework for the designation of national heritage areas and a process to evaluate the success of heritage areas in carrying out their approved management plan while also planning for their future as they approach the limits of their funding authorizations.

Mr. Chairman, that concludes my testimony and I am prepared to answer any questions that you or other members of the committee might have at this time.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 17, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: We are writing this letter as a follow-up to the Department of the Interior's testimony, delivered on March 20, 2007, at a hearing before the Senate Subcommittee on National Parks, Committee on Energy and Natural Resources. At the time of our testimony, the Department was still considering its position with regard to certain provisions in S. 817, a bill to amend the Om-

nibus Parks and Public Lands Management Act of 1996 to provide for additional authorizations for certain national heritage areas, and for other purposes. We appreciate the opportunity to further evaluate the bill and are pleased to provide to you, at this time, our views on each of the various components of the bill.

S. 817 expands the Rivers of Steel National Heritage Area by an additional county and makes several technical corrections to the Ohio & Erie Canal National Heritage Corridor including a name change for the area and the deauthorization of the Ohio & Erie Canal National Heritage Corridor Committee, whose duties have already been assumed by a non-profit management entity. The Department supports these provisions in S. 817.

The bill also names a new local coordinating entity for the Delaware and Lehigh National Heritage Corridor (Corridor), provides the Secretary of the Interior several new authorities, and reauthorizes federal funding for the area for an additional five years. The Department supports the provision that names a new local coordinating entity for the Corridor and the provisions providing other authorities to the Secretary, but recommends deferring action on the provision authorizing federal funding for the area for an additional five years for the reasons discussed below.

The National Park Service, in conjunction with the Corridor, has completed an evaluation of the accomplishments of the area, the investments that have been made at all levels, the management structure, and partner relationships. This evaluation, *Connecting Stories, Landscapes, and People: Exploring the Delaware & Lehigh National Heritage Corridor Partnership*, was finalized in 2006. The National Park Service has not completed a report based on the evaluation, which includes recommendations on what the future role of the National Park Service should be in the area. It is important to note that, prior to 1996, there were no standard models by which national heritage areas were established, resulting in various management and funding structures. The Delaware and Lehigh National Heritage Corridor was only the third area to be designated as a national heritage area, it originally had NPS employees who both sat on the commission and staffed it, and the management plan contemplated a long-term relationship with the National Park Service.

Finally, the bill increases the authorization ceiling for four existing national heritage areas by \$5 million each and requires the Secretary to conduct an evaluation of each area three years before the authorization of federal funding terminates. We oppose the provisions in the bill that increase the authorization ceiling for four existing national heritage areas, but we support the requirement that the Secretary conduct an evaluation and prepare a report with recommendations on the future role of the National Park Service in each area. Appropriated funds would be necessary to carry out this requirement.

We oppose the increases in the authorization ceilings because, as we mentioned in our testimony, our understanding is that national heritage areas are locally driven grassroots efforts to preserve resources and were intended to operate independent of federal funding at the end of the authorization period. While the National Park Service would continue to support national heritage areas through technical assistance, the national heritage areas were to be largely

self-sufficient. This was the understanding, particularly for those national heritage areas created in 1996 and the more recently designated national heritage areas. We are disappointed that national heritage areas that are nearing the end of their authorization period or that are approaching their authorization ceiling did not better plan for this eventuality.

At the same time, we appreciate that the sponsors of S. 817 require the preparation of a report to assess the progress of the management entity in accomplishing the purposes of the area, analyze the Federal, State, local, and private investments in the area to determine the leverage and impact of the investments, review the management structure, partnership relationships, and funding of the area, and what future role, if any, the National Park Service should have with respect to these national heritage areas. The Department supports this provision in the bill. Such a reporting requirement was identified by the National Park System Advisory Board in their 2006 report, *Charting a Future for National Heritage Areas*, which recommended a legislative framework for the program. The reporting requirement also was included in the Administration's legislative proposal to formally establish a national heritage area program, which was transmitted to Congress during the 109th Congress.

With regard to other aspects of the bill relating to the Corridor, the Department would welcome the opportunity to work with the committee to make some technical corrections. We also would like to work with the committee on amending this bill to include a new section to make some conforming amendments to the National Coal Heritage Area.

Below is a summary of the Department's views on various provisions of S. 817:

Section number	Provision	Department position
Section 2	Adds a county to the Rivers of Steel National Heritage Area.	Supports.
Section 3	Changes the name for the Ohio and Erie National Heritage Corridor.	Supports with technical amendments.
	Deauthorizes the Ohio & Erie Canal National Heritage Corridor Committee, and other technical changes.	Supports with technical amendments.
Section 4(1), (2), (3)	Provides for a new local coordinating entity for Delaware and Lehigh National Heritage Corridor and transition provisions.	Supports with technical amendments.
Section 4(2)	Authorizes the Secretary to enter into cooperative agreements with the Delaware and Lehigh National Heritage Corridor and provides other standard authorities.	Supports with technical amendments.
Section 4(3)	Authorizes the Delaware and Lehigh National Heritage Corridor to a five year extension for federal assistance.	Recommends deferring action until NPS has an opportunity to prepare a report on the Corridor's evaluation of the future of this area.
Section 5(a)	Authorizes an increase in the authorization ceiling for four existing national heritage areas by \$5 million each.	Opposes.
Section 5(b)	Requires the Secretary to conduct an evaluation of each of the four areas three years before the authorization for federal funding terminates.	Supports evaluation and report and funding to complete them.
New Section	Supports adding a section to make conforming amendments to the National Coal Heritage Area.

The first national heritage area was designated over 20 years ago, and since that time, Congress has authorized a total of 37 national heritage areas across the country. We realize that our position on S. 817 is complicated, but our interest in creating a sensible and consistent program outweighs the interest in simplicity. The complexity of this and past bills illustrates a long-overdue need to enact legislation to formally establish a national heritage area program. As it has in the past, the Administration plans transmit to Congress a legislative proposal to meet this need, and we look forward to continuing our work with Congress on this very important issue.

Thank you for the opportunity to share the Department's views on S. 817 and the national heritage area program.

Sincerely,

TODD WILLENS,
*Acting Assistant Secretary
Fish and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 817, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 100-692

(Approved November 18, 1988; 102 Stat. 4552)

AN ACT To establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988".

* * * * *

SEC. 9. TERMINATION OF COMMISSION.

【The Commission】 (a) *IN GENERAL.*—*The Commission shall terminate on November 18, 2007.*

(b) *CORPORATION AS LOCAL COORDINATING ENTITY.*—*Beginning on the date of enactment of the National Heritage Areas and National Heritage Corridors Technical Corrections Act of 2007, the Corporation shall be the local coordinating entity for the Corridor.*

(c) *IMPLEMENTATION OF MANAGEMENT PLAN.*—*The Corporation shall assume the duties of the Commission for the implementation of the Plan.*

(d) *USE OF FUNDS.*—*The Corporation may use Federal funds made available under this Act—*

(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

- (2) *to hire, train, and compensate staff; and*
- (3) *to enter into contracts for goods and services.*

(e) **RESTRICTION ON USE OF FUNDS.**—*The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.*

SEC. 10. DUTIES OF THE SECRETARY.

* * * * *

(c) **INTERPRETIVE MATERIALS.**—Following approval of the Plan as provided under subsection (a), the Secretary **shall** assist the Commission *shall, on the request of the Corporation, assist* in designing and producing interpretive materials based on the Plan. Such materials may include—

- (1) *guide brochures for exploring the Corridor by automobile, train, bicycle, boat, or foot;*
- (2) *indoor and outdoor visitor displays, which may include video presentations, at several locations along the Corridor; and*
- (3) *a mobile display describing the history of the Corridor, to be used in the Corridor, public buildings, libraries, and schools.*

(d) **TECHNICAL ASSISTANCE.**—**【The Secretary】** *(1) IN GENERAL.*—*The Secretary of the Interior shall, upon request of the 【Commission】 Corporation, provide technical assistance to the 【Commission】 Corporation in the preparation and implementation of the Plan.*

(2) COOPERATIVE AGREEMENTS.—*The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).*

(3) PRIORITY.—*In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—*

- (A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and*
- (B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor.*

(e) **TRANSITION MEMORANDUM OF UNDERSTANDING.**—*The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—*

- (1) appropriate transition of management of the Corridor from the Commission to the Corporation;*
- (2) coordination regarding implementation of the Plan.*

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities **【directly affecting】** directly affecting the purposes of the Corridor resources of the Corridor shall—

- (1) *consult with the Secretary and the Commission with respect to such activities;*
- (2) *cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and*
- (3) *to the maximum extent practicable, conduct or support such activities in a manner consistent with the Plan and the provisions of this Act.*

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **COMMISSION CORPORATION.**—There is authorized to be appropriated annually to the **Commission Corporation** to carry out its duties under this Act \$1,000,000, except that the Federal contribution to the **Commission Corporation** shall not exceed 50 percent of the annual costs to the **Commission Corporation** in carrying out those duties.

(b) **SECRETARY.**—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under the Act.

(c) **MANAGEMENT ACTION PLAN.**—

(1) **IN GENERAL.**—To implement the management action plan created by the Commission, there is authorized to be appropriated \$1,000,000 for each of fiscal years 2000 through **2007** 2012.

(2) **LIMITATION ON EXPENDITURES.**—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.

(d) **TERMINATION OF ASSISTANCE.**—*The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection.*

* * * * *

SEC. 14. DEFINITIONS.

For purposes of this Act—

(1) the term “Canal” means the Delaware and Lehigh Navigation Canal;

(2) the term “Commission” means the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission established under section 5(a).

(3) the term “Commonwealth” means the Commonwealth of Pennsylvania;

(4) *the term “Corporation” means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;*

[(4)] (5) the term “Corridor” means the Delaware and Lehigh Navigation Canal National Heritage Corridor established under section 3(a).

[(5)] (6) the term “Plan” means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8(a); and

[(6)] (7) the term “Secretary” means the Secretary of the Interior.

PUBLIC LAW 104–333

(Approved November 12, 1996; 110 Stat. 4093)

AN ACT To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

* * * * *

DIVISION II**TITLE I—NATIONAL COAL HERITAGE AREA****SEC. 101. SHORT TITLE.**

This title may be cited as the “National Coal Heritage Area Act of 1996”.

* * * * *

SEC. 103. ESTABLISHMENT.

(a) **IN GENERAL.**—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain lands and structures with unique and significant historic and cultural value associated with the coal mining heritage of the State of West Virginia and the Nation, there is hereby established the National Coal Heritage Area (hereafter in this title referred to as the “Area”).

(b) **BOUNDARIES.**—The Area **[shall be shall be comprised]** *shall be comprised* of the following:

(1) The counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699.

(2) Lincoln County, West Virginia.

(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.

* * * * *

SEC. 105. ELIGIBLE RESOURCES.

[The resources] (a) *IN GENERAL.*—*The resources* eligible for the assistance under **[paragraph (2) of]** section 104 shall **[include those set forth in]** *include*—

(1) *resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawha County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and*

(2) *resources described in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia”, conducted pursuant to title VI of Public Law 100–699. [Priority consideration]*

(b) *PRIORITY.*—*Priority consideration* shall be given to those sites listed as “Conservation Priorities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) **IN GENERAL.**—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the **[Governor of the State of West Virginia, acting through the Division of Culture and History and the Division**

of Tourism and Parks,] *National Coal Heritage Area Authority* shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) set forth the integrated cultural, historical, and land resource management policies and programs referred to in section 104;

(2) describe the guidelines and standards for projects referred to in section 104; and

(3) set forth the responsibilities of the [State of West Virginia, units of local government, nonprofit entities, or] *National Coal Heritage Authority* or the Secretary to administer any properties acquired pursuant to section 104.

(b) **PLAN APPROVAL.**—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would *not* meet the objectives of this title.

* * * * *

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

[Note: Public Law 106–113, Appendix C, sec. 116, provides: “Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104–333, is hereby renamed the Rivers of Steel National Heritage Area.”]

SEC. 401. SHORT TITLE.

This title may be cited as the “Steel Industry American Heritage Area Act of 1996”.

* * * * *

SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Steel Industry American Heritage Area (in this title referred to as the “Heritage Area”).

(b) **BOUNDARIES.**—The Heritage Area shall be comprised of the counties of Allegheny, Armstrong, Beaver, *Butler*, Fayette, Greene, Washington, and Westmoreland in Pennsylvania.

* * * * *

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] *\$15,000,000* may be appropriated for the Heritage Area under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of this Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE V—ESSEX NATIONAL HERITAGE AREA

* * * * *

SEC. 503. DESIGNATION OF NATIONAL HERITAGE AREA.

(a) DESIGNATION.—For the purpose of preserving and interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of certain historic and cultural lands, natural waterways, and structures within the County of Essex in the Commonwealth of Massachusetts, there is hereby established the Essex National Heritage Area.

* * * * *

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of ~~【\$10,000,000】~~ *\$15,000,000* may be appropriated for the Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

TITLE VI—SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

SEC. 601. SHORT TITLE.

This title may be cited as the “South Carolina National Heritage Corridor Act of 1996”.

* * * * *

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of ~~【\$10,000,000】~~ *\$15,000,000* may be appropriated for the Corridor under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this Corridor, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

* * * * *

TITLE VIII—OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE.

This title may be cited as the “Ohio & Erie Canal National Heritage Corridor Act of 1996”.

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The Ohio & Erie Canal, which opened for commercial navigation in 1832, was the first inland waterway to connect the Great Lakes at Lake Erie with the Gulf of Mexico via the Ohio and Mississippi Rivers and a part of a canal network in Ohio that was one of America’s most extensive and successful

systems during a period in history when canals were essential to the Nation's growth.

(2) The Ohio & Erie Canal spurred economic growth in the State of Ohio that took the State from near bankruptcy to the third most economically prosperous State in the Union in just 20 years.

(3) A 4-mile section of the Ohio & Erie Canal was designated a National Historic Landmark in 1966 and other portions of the Ohio & Erie Canal and many associated structures were placed on the National Register of Historic Places.

(4) In 1974, 19 miles of the Ohio & Erie Canal were declared nationally significant under National Park Service new area criteria with the designation of Cuyahoga Valley National Recreation Area.

(5) The National Park Service found the Ohio & Erie Canal nationally significant in a 1975 study entitled "Suitability/Feasibility Study, Proposed Ohio & Erie Canal".

(6) A 1993 Special Resources Study of the Ohio & Erie Canal Corridor conducted by the National Park Service entitled "A Route to Prosperity" has concluded that **the corridor** *the Canalway* is eligible as a National Heritage Corridor.

(7) Local governments, the State of Ohio, and private sector interests have embraced the heritage corridor concept and desire to enter into partnership with the Federal Government to preserve, protect, and develop **the corridor** *the Canalway* for public benefit.

(b) **PURPOSES.**—The purposes of this title are—

(1) to preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within the 87-mile Ohio & Erie Canal Corridor between Cleveland and Zoar;

(2) to encourage within **the corridor** *the Canalway* a broad range of economic opportunities enhancing the quality of life for present and future generations;

(3) to provide a management framework to assist the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing an integrated Corridor Management Plan and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of **the corridor** *the Canalway*; and

(4) to authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing a Corridor Management Plan.

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term "**corridor** *Canalway*" means the Ohio & Erie **Canal National Heritage Corridor** *National Heritage Canalway* established by section 804.

(2) The term "Committee" means the Ohio & Erie Canal National Heritage Area Committee established by section 805.]

[(3)] (2) The term “Corridor Management Plan” means the management plan developed under section [808] 806.

[(4)] (3) The term “Secretary” means the Secretary of the Interior.

[(5)] (4) The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary of the Interior.

[(6)] (5) The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purposes of preparing and implementing a Corridor Management Plan.

[(7)] (6) The term “management entity” means the entity recognized by the Secretary pursuant to section [807(a)] 805(a) to receive, distribute, and account for Federal funds appropriated for the purposes of this title.

SEC. 804. OHIO & ERIE [CANAL NATIONAL HERITAGE CORRIDOR] NATIONAL HERITAGE CANALWAY.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway*.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of [the corridor] *the Canalway* shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, “A Route to Prosperity”, subject to paragraph (2). The specific boundaries shall be those specified in the management plan submitted under section [808] 806. The Secretary shall prepare a map of [the corridor] *the Canalway* which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) CONSENT OF LOCAL GOVERNMENTS.—No privately owned property shall be included within the boundaries of [the corridor] *the Canalway* unless the municipality in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

(c) ADMINISTRATION.—[The corridor] *The Canalway* shall be administered in accordance with the provisions of this title.

[SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMITTEE.

[(a)] ESTABLISHMENT.—There is hereby established a Committee to be known as the “Ohio & Erie Canal National Heritage Corridor Committee”, whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

[(b)] MEMBERSHIP.—The Committee shall be comprised of 21 members, as follows:

[(1)] Four individuals, appointed by the Secretary after consideration of recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall include one representative of business and industry from each of Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas.

【(2) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the Ohio Department of Travel and Tourism, who is a director of a convention and tourism bureau within 【the corridor】 *the Canalway*.

【(3) One individual, appointed by the Secretary after consideration of recommendations submitted by the Ohio Historic Preservation Officer, with knowledge and experience in the field of historic preservation.

【(4) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the National Park Service, with knowledge and experience in the field of historic preservation.

【(5) Three individuals appointed by the Secretary after consideration of recommendations submitted by the county or metropolitan park boards in the Ohio counties of Cuyahoga, Summit, and Stark.

【(6) Eight individuals appointed by the Secretary after consideration of recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark and Tuscarawas, including—

【(A) from each county, one representative of the planning offices of the county; and

【(B) from each county, one representative of a municipality in the county.

【(7) Two individuals appointed by the Secretary after consideration of recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Department of Transportation.

【(8) The Superintendent of the Cuyahoga Valley National Recreation Area, ex officio.

【(c) APPOINTMENTS.—

【(1) IN GENERAL.—Except as provided in paragraph (2), members of the Committee shall be appointed for terms of three years and may be reappointed.

【(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Committee within 30 days after the date on which the Secretary has received all recommendations pursuant to subsection (b). Of the members first appointed—

【(A) the members appointed pursuant to subsection (b)(6)(B) shall be appointed to a term of two years and may not be reappointed to a consecutive term; and

【(B) the member appointed pursuant to subsection (b)(2) shall be appointed to a term of two years and may not be reappointed to a consecutive term.

【(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Committee shall be elected by the members of the Committee. The terms of the chair and vice chair shall be two years.

【(e) VACANCY.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which their predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Committee

appointed for a definite term may serve after the expiration of their term until their successor has taken office.

[(f) COMPENSATION AND EXPENSES.—Members of the Committee shall serve without compensation for their service on the Committee.

[(g) QUORUM.—Eleven members of the Committee shall constitute a quorum.

[(h) MEETINGS.—The Committee shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Committee shall be subject to section 552b of title 5, United States Code (relating to open meetings).

[(i) NOT TREATED AS ADVISORY COMMITTEE.—The Committee shall not be treated as an Advisory Committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).]

[SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERITAGE CORRIDOR COMMITTEE.

[(a) HEARINGS.—The Committee may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Committee considers appropriate. The Committee may not issue subpoenas or exercise any subpoena authority.

[(b) BYLAWS.—The Committee may make such bylaws and rules, consistent with this title, as it considers necessary to carry out its functions under this title.

[(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Committee, if so authorized by the Committee, may take any action which the Committee is authorized to take by this title.

[(d) CORRIDOR MANAGEMENT PLAN.—Upon submission of a draft Corridor Management Plan to the Committee from the management entity, the Committee shall, within 60 days, review such plan for consistency with the purposes of this title and endorse the plan or return it to the management entity for revision. Upon endorsement of the Corridor Management Plan, the Committee shall submit such plan to the Secretary for approval pursuant to section 808.

[(e) REVIEW OF BUDGET.—The Committee shall review on an annual basis the proposed expenditures of Federal funds by the management entity for consistency with the purpose of this title and the Corridor Management Plan.]

SEC. [807] 805. MANAGEMENT ENTITY.

(a) ENTITY.—Upon petition, the Secretary is authorized to recognize the Ohio & Erie Canal Association as the management entity for the Heritage Corridor.

(b) ELIGIBILITY.—To be eligible for designation as the management entity of [the corridor] *the Canalway*, an entity must possess the legal ability to—

- (1) receive Federal funds for use in preparing and implementing the management plan for [the corridor] *the Canalway*;
- (2) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan for [the corridor] *the Canalway*;
- (3) account for all Federal funds received or disbursed; and
- (4) sign agreements with the Federal Government.

(c) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE.—The management entity is authorized to receive appropriated Federal funds.

(2) DISQUALIFICATION.—If a management plan for [the corridor] *the Canalway* is not submitted to the Secretary as required under section [808] 806 within the time specified herein, the management entity shall cease to be eligible for Federal funding under this title until such a plan regarding [the corridor] *the Canalway* is submitted to the Secretary.

(d) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of [the corridor] *the Canalway* may, for purposes of preparing and implementing the management plan for [the corridor] *the Canalway*, use Federal funds made available under this title—

(1) to make grants and loans to the State of Ohio, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide technical assistance to, Federal agencies, the State of Ohio, its political subdivision, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The management entity for [the corridor] *the Canalway* may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. [808] 806. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY [COMMITTEE] *SECRETARY*.—Within 3 years after the date on which the Secretary has recognized the management entity for [the corridor] *the Canalway*, the management entity shall develop and submit for review to the [Committee] *Secretary* a management plan for [the corridor] *the Canalway*.

(2) PLAN REQUIREMENTS.—A management plan submitted under this title shall present comprehensive recommendations for the conservation, funding, management, and development of [the corridor] *the Canalway*. The plan shall be prepared with public participation. The plan shall take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in [the corridor] *the Canalway*. The plan shall include a description of actions that units of government and private organizations are recommended to take to protect the resources of [the corridor] *the Canalway*. The plan shall specify existing and potential sources of funding for the conservation, management, and development of [the corridor] *the Canalway*. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in [the corridor] *the Canalway*, including a list of property in [the corridor] *the Canalway* that should be conserved, restored, managed, developed, or maintained because of the natural,

cultural, or historic significance of the property as it relates to the themes of **the corridor** *the Canalway*.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of **the corridor** *the Canalway* in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity and specific commitments, for the first six years of operation of the plan by the partners identified in said plan.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for **the corridor** *the Canalway*.

(3) APPROVAL AND DISAPPROVAL OF **THE CORRIDOR** *THE CANALWAY MANAGEMENT PLAN*.—

(A) IN GENERAL.—Upon submission of **the Corridor** *the Canalway* Management Plan **from the Committee**, the Secretary shall approve or disapprove said plan not later than 60 days after receipt of the plan. If the Secretary has taken no action after 60 days upon receipt, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves **the Corridor** *the Canalway* Management Plan, the Secretary shall advise the **Committee** *management entity*, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revision. If the Secretary has taken no action for 60 days after receipt, the plan shall be considered approved.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan for **the corridor** *the Canalway*, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving **the corridor** *the Canalway*;

(B) in establishing and maintaining interpretive exhibits in **the corridor** *the Canalway*;

(C) in developing recreational opportunities in **the corridor** *the Canalway*;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of **the corridor** *the Canalway*;

(E) in the restoration of historic buildings that are located within the boundaries of **the corridor** *the Canalway* and relate to the themes of **the corridor** *the Canalway*; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout **the corridor** *the Canalway*; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) **CONSIDERATION OF INTERESTS OF LOCAL GROUPS.**—The management entity shall, in preparing and implementing the management plan for **the corridor** *the Canalway*, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(d) **PUBLIC MEETINGS.**—The management entity shall conduct public meetings at least quarterly regarding the implementation of **the Corridor** *the Canalway* Management Plan.

(e) **ANNUAL REPORTS.**—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section **807(d)(1)** *805(d)(1)* is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) **COOPERATION WITH AUDITS.**—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section **807(d)(1)** *805(d)(1)* is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

SEC. [809] 807. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **TECHNICAL ASSISTANCE AND GRANTS.**—

(1) **IN GENERAL.**—The Secretary may provide technical assistance and grants to units of government, nonprofit organizations, and other persons, upon request of the management entity of **the corridor** *the Canalway*, and to the management entity, regarding the management plan and its implementation.

(2) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or grant to enact or modify land use restrictions.

(3) **DETERMINATIONS REGARDING ASSISTANCE.**—The Secretary shall decide if **the corridor** *the Canalway* shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which **the corridor** *the Canalway* effectively fulfills the objectives contained in **the Corridor** *the Canalway* Management Plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of [the corridor] *the Canalway*.

(c) **OTHER ASSISTANCE.**—Upon request, the Superintendent of [Cuyahoga Valley National Recreation Area] *Cuyahoga Valley National Park* may provide to public and private organizations within [the corridor] *the Canalway* (including the management entity for [the corridor] *the Canalway*) such operational assistance as appropriate to support the implementation of [the Corridor] *the Canalway* Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal entity conducting any activity directly affecting [the corridor] *the Canalway* shall consider the potential effect of the activity on [the Corridor] *the Canalway* Management Plan and shall consult with the management entity of [the corridor] *the Canalway* with respect to the activity to minimize the adverse effects of the activity on [the corridor] *the Canalway*.

SEC. [810] 808. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) **LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.**—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) **LACK OF ZONING OR LAND USE POWERS.**—Nothing in this title shall be construed to grant powers of zoning or land use control to the [Committee or] management entity of [the corridor] *the Canalway*.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.**—Nothing in this title shall be construed to affect or to authorize the [Committee] *management entity* to interfere with—

- (1) the rights of any person with respect to private property;
- or
- (2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision thereof.

SEC. [811] 809. SUNSET.

The Secretary may not make any grant or provide any *financial* assistance under this title after September 30, 2012.

SEC. [812] 810. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] *\$15,000,000* may be appropriated for [the corridor] *the Canalway* under this title.

(b) **50 PERCENT MATCH.**—Federal funding provided under this title, after the designation of [the corridor] *the Canalway*, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.